

# REPUBLIC OF KENYA



## OFFICE OF THE AUDITOR-GENERAL

### TENDER FOR SALE OF BORDED MOTOR VEHICLES

-

**REF: NO. OAG/OT/07/2016-2017**

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**MARCH 2017**

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## **SECTION I - INVITATION TO TENDER**

**DATE :** 28/3/2017

**TENDER NO:** OAG/OT/07/2016-2017

### **SALE OF DISPOSABLE STORES AND EQUIPMENT**

- 1.1 The office of the Auditor-General now invites sealed tenders from eligible candidates to purchase Boarded Motor Vehicles.
- 1.2 Interested and eligible candidates may view the vehicles in their **respective locations and carry out their own assessment before making their quote**, on week days, during normal working hours (8.00AM- 1.00PM and 2.00PM - 5.00PM local time). **Contact 0780-7110976** for arrangement to view the vehicles.
- 1.3 A complete set of tender documents may be **downloaded free of charge** from the Office of The Auditor-General's website [www.oagkenya.go.ke](http://www.oagkenya.go.ke) or from the IFMIS suppliers portal; [www.supplier.treasury.go.ke](http://www.supplier.treasury.go.ke)
- 1.4 Bidders must pay a refundable deposit of **20%** of the reserve price in the form of **Cash payable to the cash office or Bankers Cheque** in favor of the Auditor – General.
- 1.5 Completed tender documents are to be enclosed in plain sealed envelopes, marked with **the Tender Number, the MV Reg. Number and the Make** and deposited in the Tender Box located at **Office of The Auditor-General Headquarters, Anniversary Towers, 8<sup>th</sup> floor** or to be addressed to **The Auditor-General, P.O. Box 30084-00100, NAIROBI** so as to be received on or before **11.00 AM, local time on 12<sup>th</sup> April, 2017**. Late bids will be rejected.
- 1.6 Prices quoted should be net, must be in Kenya Shillings and shall remain valid for **90 days** from the closing date of the tender.
- 1.7 Tenders will be opened immediately thereafter in the presence of the candidates or their representatives, who choose to attend, at the **4<sup>th</sup> Floor Boardroom, Office of The Auditor- General, Anniversary Towers, University Way**.

## SECTION II - INSTRUCTIONS TO TENDERERS

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## **SECTION II - INSTRUCTION TO TENDERERS**

### **2.1 Eligible Tenderers**

2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers.

2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices

2.1.3 The procuring entity's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the tender.

### **2.2 Cost of Tendering**

2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.

2.2.2 The procuring entity shall allow the tender to review the tender document free of charge before purchase.

### **2.3 The Tender Document**

2.3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.

- (i) Invitation to tender
- (ii) Instructions to tenderers
- (iii) Schedule of items and price
- (iv) Conditions of Tender
- (v) Form of tender
- (vi) Confidential Business questionnaire Form
- (vii) Tender Commitment Declaration Form

2.3.2 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the

requirements of the tender will be at the tenderer's risk and may result in the rejection of its tender.

## **2.4. Clarification of Documents**

2.4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring entity will respond in writing to any request for clarification of the tender documents, which it receives not later than thirty (30) days prior to the deadline for the submission of tenders, prescribed by the procuring entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.

2.4.2 Clarification of tenders shall be requested by the tenderer to be received by the procuring entity not later than 7 days prior to the deadline for submission of tenders.

2.4.3 The procuring entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

## **2.5 Amendment of Documents**

2.5.1 At any time prior to the deadline for submission of tenders, the Procuring entity, for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendment

2.5.2 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, the Procuring entity, at its discretion, may extend the deadline for the submission of tenders.

## **2.6 Tender Prices and Currencies**

- 2.6.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the items it proposes to purchase under the contract
- 2.6.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non responsive and will be rejected
- 2.6.3 The Price quoted shall be in Kenya Shillings.

## **2.7 Tender deposit**

- 2.7.1 The tenderer shall put a deposit for every item tendered for in the amount indicated in the schedule of items and prices.
- 2.7.2 Failure to put the required deposit for any item tendered for will lead to disqualification of the bid for the item.
- 2.7.3 Unsuccessful Tenderer's tender deposit will be discharged or returned as promptly as possible but not later than Seven (7) days after the expiration of the period of tender validity prescribed by the procuring entity.
- 2.7.4 The successful Tenderer's tender deposit will be credited to his bid price so that it forms part of the amount of the bid and the tender will be required to pay the bid price less the deposit security.
- 2.7.5 The tender deposit may be forfeited:
- (a) if a tenderer withdraws its tender during the period of tender validity specified by the procuring entity.
  - (b) in the case of a successful tenderer, if the tenderer fails to pay the balance of the bid price.

## **2.8 Validity of Tenders**

- 2.8.1 Tenders shall remain valid for 90 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Procuring entity, pursuant to paragraph 2.10 Tender valid for a

shorter period shall be rejected by the Procuring entity as non responsive.

2.8.2 In exceptional circumstances, the Procuring entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably extended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

## **2.9. Viewing of Tender Items**

2.9.1 Prospective bidders are advised to view the Motor Vehicles before they bid. This will enable them to arrive at the most reasonable and competitive bids. Bids are based on AS WHERE IS CONDITION and the conditions of the items are not warranted by the seller.

## **2.10 Sealing and Marking of Tenders**

2.10.1 The tenderer shall seal the tender and mark it with the number and name of the tender and **"DO NOT OPEN BEFORE 12th April, 2017.**

## **2.11 Deadline for Submission of Tenders**

2.11.1. Tenders must be received by the Procuring entity at the address specified not later than **12<sup>th</sup> April, 2017 at 11.00 AM, local time.**

2.11.2 The procuring entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. in which case all rights and obligations of the procuring entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

## **2.12 Modifications And Withdrawals Of Tenders**

### **2.12.1 Modification of tenders**

2.12.1.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification,



including substitution or withdrawal of the tenders, is received by the Procuring entity prior to the deadline prescribed for submission of tenders.

2.12.1.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.

2.12.1.3 No tender may be modified after the deadline for submission of tenders

## **2.12.2 Withdrawals and tenders**

2.12.2.1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer. Withdrawal of a tender during this interval may result in the tenderer's forfeiture of its tender deposit, pursuant to paragraph 2.7.5

## **2.13 Opening of Tenders**

2.13.2 The Procuring entity will open all tenders in the presence of tenderers' representatives who choose to attend on **12<sup>th</sup> April, 2017 at 11.00 AM, local time** and in the location specified in the invitation to tender.

The tenderers or representatives who are present shall sign a register evidencing their attendance.

2.13.3 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the Procuring entity, at its discretion, may consider appropriate, will be announced at the opening.

2.13.4 The Procuring entity will prepare minutes of the tender opening.

## **2.14 Clarification of tenders**

2.14.2 To assist in the examination, evaluation and comparison of tenders the Procuring entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the

response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.

2.14.3 Any effort by the tenderer to influence the Procuring entity in the Procuring entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

## **2.15 Evaluation and Comparison of Tenders**

2.15.1 The Procuring entity will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non responsive, will be rejected by the procuring entity.

2.15.2 The Procuring entity will evaluate and compare the tenders, which have been determined to be substantially responsive.

2.15.3 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

## **2.16 Award Criteria**

2.16.1 The Procuring entity will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest evaluated tender, subject to the reserve price.

## **2.17 Notification of Award**

2.17.2 Prior to the expiration of the period of tender validity, the Procuring entity will notify the successful tenderer in writing that its tender has been accepted.

2.17.3 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

## **2.18 Contacting the Procuring entity**

2.18.1 No tenderer shall contact the Procuring entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

2.18.2 Any effort by a tenderer to influence the Procuring entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

## Appendix to Instructions to tenderers.

The following information for sale of boarded Motor Vehicles shall complement, supplement or amend, the provisions of the instructions to tenderers. Whenever there is a conflict between the provisions of the instructions to tenderers and the provisions of the Appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers.

Instructions to Tenderers Reference	<i>Particulars of appendix to Instructions to tenderers</i>
2.1.1	Members of the public are eligible tenderers
2.7	A deposit of <b>20% of the reserve price is required for each Motor vehicle.</b> It is refundable if unsuccessful.
2.8.1	<b>90 Days</b>

### SECTION III - SCHEDULE OF ITEMS AND PRICES

S/N O.	MV REG. NUMBER	MAKE	Y.O.M.	TO BE VIEWED AT (LOCATION)	RESERVE PRICE (IN KSH)	ELIGIBILITY
1.	GK Y677	Landrover 110	1995	Nairobi Headquarters	186,200	Open
2.	GK A992J	Landrover Puma	2005	Kisumu Hub Offices	500,000	Youth, Women & PWD
3.	GK M628	Volvo 240GL	1988	Nairobi Headquarters	289,800	Open
4.	GK A580E	Landrover 110	2002	Nairobi Headquarters	218,512	Open
5.	GK A747N	Peugeot 406S	2005	Nairobi Headquarters	169,000	Open
6.	GK A011A	Volvo 944GL	1996	Nairobi Headquarters	160,000	Open
7.	GK A293Q	Peugeot 307 XR	2006	Nairobi Headquarters	194,500	Open
8.	GK A465F	Landrover Puma	2002	Kisumu Hub Offices	510,000	Open
9.	GK A590E	Landrover 110	2001	Embu Hub Offices	102,239	Open
10	GK A366E	Volvo 590S	1998	Nairobi Headquarters	165,000	Open
11	GK A292Q	Peugeot 307 XR	2006	Nairobi Headquarters	214,500	Open
12	GK A091D	Peugeot 504S	2000	Nairobi Headquarters	54,000	Open
13	GK W345	Peugeot 504GR	2994	Nairobi Headquarters	52,000	Open
14	GK A290Q	Peugeot 307XR	2006	Nairobi Headquarters	139,000	Open
15	GK A232D	Landrover Tdi	1997	Nairobi Headquarters	260,400	Open
16	GK X430	Peugeot 504GL	1995	Nairobi Headquarters	55,000	Open
17	GK A578E	Landrover 110	2001	Mombasa Hub Offices	400,000	Open
18	GK A464F	Landrover 110	2002	Nairobi Headquarters	175,000	Open
19	GK W467	Peugeot 504 SW	1994	Nyeri Hub Offices	20,000	Open
20	GK X439	Peugeot 504 SW	1995	Nyeri Hub Offices	20,000	Open
21	GK A942N	Peugeot 406SR	2005	Nairobi Headquarters	194,500	Open

<b>S/N O.</b>	<b>MV REG. NUMBER</b>	<b>MAKE</b>	<b>Y.O.M.</b>	<b>TO BE VIEWED AT (LOCATION)</b>	<b>RESERVE PRICE (IN KSH)</b>	<b>ELIGIBILITY</b>
22	GK A748N	Peugeot 504S	2005	Nairobi Headquarters	194,500	Open
23	GK A532A	Peugeot 504SW	1997	Embu Hub Offices	42,000	Open
24	GK A274A	Peugeot 504 S	1997	Nairobi Headquarters	78,300	Open
25	GK Z516	Peugeot 504 SW	1996	Eldoret Hub Offices	80,000	Youth, Women & PWD
26	GK A579E	Landrover Puma	2001	Kisumu Hub Offices	545,000	Youth, Women
27	GK Z415	Peugeot 504GR	1995	Kisumu Hub Offices	120,000	Open
28	GK 610F	Landrover SW	1995	Kisumu Hub Offices	25,000	Open
29	GK H811	Peugeot 504S	1996	Nairobi Headquarters	18,000	Open
30	GK A559H	Patrol Y62 SW	2004	Nairobi Headquarters	235,200	Open
31	GK A558H	Landrover 110	2004	Mombasa Hub (Customs)	263,000	Open

## SECTION IV - CONDITIONS OF TENDER

- 4.1 A tenderer may tender for each item or each lot and may tender for as many items or lots as he/she wishes.
- 4.2 A tenderer will pay a deposit in advance before the closing date of the tender for each item or lot tendered for as indicated in the schedule of items and prices.
- 4.3 Tenderers who will be awarded contracts will be required to pay for the items after **14 days** and not later **than 21 days failure** to which the contract award will be cancelled and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 4.4 Tenderers who will not be awarded contracts will be refunded the deposits fourteen (14) days after notification of the communication of the contract awards.
- 4.5 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making the payment failure to which storage charges will be charged as indicated in the appendix to Conditions of tender.

## Appendix to Conditions of Tender

The following information for sale of boarded stores and equipment shall complement, supplement, or amend, the provisions of the conditions of the tender. Whenever there is a conflict between the provisions of the conditions of tender and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the conditions of tender.

Conditions of tender reference	<i>Particulars of the appendix to Conditions of tender</i>
4.5	<b>Storage charges KSH 1,000/= per week</b>



**SECTION V - STANDARD FORMS**

**5.1 Form of Tender**

Date: \_\_\_\_\_

Tender No. \_\_\_\_\_

To: .....

.....

*[name and address of procuring entity]*

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda. Nos. ....*[insert numbers]*. The receipt of which is hereby duly acknowledged, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of .....*[total tender amount in words and figures]* or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.

2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.

3. We agree to abide by the tender for a period of ....*[number]* days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

4. We understand that you are not bound to accept the highest or any tender that you may receive.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*[signature]*

\_\_\_\_\_  
*[in the capacity of]*

Duly authorized to sign tender for and on behalf of \_\_\_\_\_

## 5.2 Confidential Business Questionnaire Form

You are requested to give the particulars indicated in Part 1 and either Part 2 (a), 2 (b) or 2 (c) whichever applies to your type of business.

You are advised that it is a serious offence to give false information on this form

<p>Part 1 – General</p> <p>Business Name .....</p> <p>Location of business Premises .....</p> <p>Plot No. .... Street/Road .....</p> <p>Postal Address ..... Tel No. ....</p> <p>Nature of business .....</p> <p>Current Trade Licence No. .... Expiring date .....</p> <p>Maximum value of business which you can handle at any one time Kshs .....</p> <p>Name of your bankers ..... Branch .....</p>																															
	<p style="text-align: center;">Part 2 (a) – Sole Proprietor</p> <p>Your Name in full ..... Age .....</p> <p>Nationality ..... Country of origin .....</p> <p>* Citizenship details .....</p>																														
	<p style="text-align: center;">Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 25%;">Citizenship Details</th> <th style="width: 20%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....	.....	.....	.....	2.	.....	.....	.....	.....	3.	.....	.....	.....	.....	4.	.....	.....	.....	.....					
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	<p style="text-align: center;">Part 2 (c) – Registered Company</p> <p>Private or Public .....</p> <p>State the nominal and issued capital of company –</p> <p style="padding-left: 20px;">Nominal Kshs.</p> <p style="padding-left: 20px;">Issued Kshs.</p> <p>Given details of all directors as follows</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 25%;">Citizenship Details</th> <th style="width: 20%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>5.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....	.....	.....	.....	2.	.....	.....	.....	.....	3.	.....	.....	.....	.....	4.	.....	.....	.....	.....	5.	.....	.....	.....	.....
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5.	.....	.....	.....	.....																											
<p>Date ..... Seal/Signature of Candidate .....</p> <p>.....</p>																															

### 5.3 Tender deposit commitment Declaration Form

As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached copies of receipts as follows:-

<b>ITEM No.</b>	<b>Item Description</b>	<b>Deposit Kshs.</b>	<b>Receipt No. and Date</b>

Authorizing Official \_\_\_\_\_  
(name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Date)

**5.5 REQUEST FOR REVIEW FORM (FORM RB 1)**

**REPUBLIC OF KENYA**

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the..... (*Name of the Procuring Entity*) of .....dated the...day of .....20.....in the matter of Tender No.....of .....20...

**REQUEST FOR REVIEW**

I/We.....,the above named Applicant(s), of address: Physical address.....Fax No.....Tel. No.....Email ....., hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:-

- 1.
  - 2.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
- 2.

SIGNED .....(Applicant)

Dated on.....day of ...../.....20...

---

**FOR OFFICIAL USE ONLY**

Lodged with the Secretary Public Procurement Administrative Review Board on .....day of .....20.....

**SIGNED**  
**Board Secretary**